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August 10, 2018

Honorable Michael P. Shea
U.S. District Judge for the District of Connecticut
450 Main Street – Room 217
Hartford, CT 06103

Re: *U.S. ex rel. Paul Fabula v. American Medical Response of Connecticut, Inc.*, Case No. 3:12-cv-921 (MPS)

Dear Judge Shea:

We represent the Relator-Plaintiff Paul Fabula (“Fabula”) in this action. This letter summarizes the discovery dispute discussed with the Court on August 6, 2018. We have conferred in good faith with counsel for defendant American Medical Response of Connecticut, Inc. (“AMR”) in accordance with Fed.R.Civ.P. 37(a)(1) and Local Rule 37(a) in an attempt to resolve these issues.

Under the Court’s Amending Scheduling Order, “Phase I” discovery includes “(1) the specific claims and ambulance runs identified in the operative complaint; (2) Fabula’s retaliation claim....” (Doc. No. 120 at 1). AMR takes the position that Phase I is strictly limited to a narrow set of ambulance runs contained in the Fourth Amended Complaint (“FAC”) (Doc. No. 105) that it claims it can identify, and has refused to produce the following discovery pertaining to specific claims in the FAC, and the scheme underlying AMR’s false billing practices and retaliation in terminating Fabula.

“Paramedic Assessment” (a/k/a “ALS Assessment”) and “Bed Confined” Information

This action alleges that AMR was engaged in a scheme to overbill Government Payors for ambulance runs. *See* Fourth Amended Complaint (“FAC”), Doc. No. 105, *passim*. For each ambulance run, AMR paramedics and EMTs create a Patient Care Report (“PCR”) using a proprietary software program, which is used for billing purposes. The FAC alleges, in part, that AMR set up its software for a period of time to require that certain services (Paramedic/ALS Assessments) and certain patient conditions (Bed Confined) be entered to inflate billing (*see* FAC at ¶¶ 132-39).¹

Fabula seeks information and documents to demonstrate the use of and modification to the software described above, the PCRs (including addenda) created using the software, and the claims submitted to Government Payors as a result. *See* Relator’s Second Set of Interrogatories, Nos. 2 and 3 and Relator’s Second Set of Requests for Production of Documents (“RFP”) Nos. 15, 17, 21 and 22; *see also*

¹ Bed-Confined is a Medicare term describing patient condition, including the inability to sit in a chair or wheelchair. AMR’s PCR software has a designated section “Unable to Travel by Wheelchair”, which contains several descriptions of patient condition designed to address this Medicare term for billing purposes.

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Relator's First Set of Interrogatories Nos. 3 and 4 and Relator's First RFP Nos. 11 and 12. AMR's position is that these requests are beyond the scope of Phase I discovery, even though they pertain to Fabula's specific claims in this action.²

Retaliation Discovery and Requests Pertaining to AMR's Connecticut Operations

The FAC alleges that Fabula was subjected to retaliation (and terminated) because of his acts in opposition and to prevent AMR's submission of false claims as part of its scheme. (FAC at ¶¶ 50-75, 156-159). Fabula served discovery requests to demonstrate the scheme, in particular, information and documents concerning the amended, corrected or rewritten PCRs (including addenda) created by AMR and *by Fabula*, audit trails for the PCRs, the names of personnel who prepared, reviewed or directed the preparation of such PCRs, and the claims submitted to Government Payors for reimbursement as a result. *See* Plaintiff's First Set of Interrogatories Nos. 1-6 and Plaintiff's First RFP Nos. 7-10, 12, 18. Again, AMR has limited its production to the narrow set of ambulance runs, but that representation appears incorrect as discussed below.³

In addition, Fabula, in his capacity as Relator and as Plaintiff, served discovery requests to demonstrate the effects of the scheme on AMR's Connecticut operations (and motives for the scheme), seeking information and documents concerning Government Payor billings at AMR's Connecticut facilities in relation to all AMR facilities (including the number and amount of claims billed), and AMR's efforts to increase such billings at Connecticut facilities. *See* Relator's First RFP Nos. 14 and 15 and Plaintiff's First RFP Nos. 17 and 18. AMR has refused to produce information or documents, other than pertaining to its New Haven operations and, to the extent anything has been produced, there is no information about the number or amount of claims to Government Payors.⁴

Further, the parties have had ongoing negotiations over AMR's billing records, in particular, the actual bills submitted to Government Payors. AMR has only recently produced certain summary information concerning the narrow set of ambulance runs discussed above, and we are reviewing that information. More importantly, we have just learned through ongoing depositions that additional responsive documentation concerning Fabula's claims exists, which AMR has *not* produced, including audit trail documents for AMR's PCRs (showing when and how PCRs were amended and addenda created) and daily "Medical Necessity Reports" regarding Government Payor billing from AMR's corporate billing instructing that PCRs be amended and/or addenda created for billing purposes. Respectfully, Fabula reserves the right to seek to compel additional documentation given these recent developments.

We stand ready to provide additional information that the Court deems necessary. Thank you for your consideration.

Respectfully submitted,



Steven L. Bloch

² AMR appears to have recently produced summary information purporting to show certain ALS billing limited to the narrow set of ambulance runs.

³ Without prejudice, Fabula made a proposal regarding a number of the requests for AMR to start its production pertaining to personnel identified in the FAC and reflected in AMR's documents production to date. AMR rejected the proposal outright.

⁴ Further, AMR has not produced documents relating to Fabula's termination from employment or the proceedings on Fabula's unemployment claim that AMR opposed. *See* Relator's First RFP Nos. 4 and 15.

ADDENDUM OF DISCOVERY REQUESTS

RELATOR’S-PLAINTIFF’S DISCOVERY REQUESTS AT ISSUE

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RELATOR’S FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 3

State whether at any time during 2010 or 2011 software utilized by AMR personnel involved in preparing PCRs for Ambulance Transports in Connecticut that

- a. contained an auto-fill, default or similar feature with respect to the entry on the PCR of whether a paramedic assessment had been performed or a required entry that a paramedic assessment had been performed in order to complete the PCR;
- b. required entry of “bed-confined” in order to complete the PCR.

RESPONSE NO. 3

Defendant objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory to the extent it exceeds the scope of discovery for Phase I.

Subject to and without waiving the foregoing objections, Defendant responds that the software utilized by Defendant EMTs or paramedics in preparing PCRs for Ambulance Transports in Connecticut did not contain an auto-fill or default feature which auto-filled the “paramedic assessment” field on the PCR, nor did it require that the PCR indicate that a paramedic assessment had been performed before the PCR could be completed. The software also did not require any entry of “bed-confined” before the PCR could be completed.

INTERROGATORY NO. 4

If the answer to Interrogatory No. 3a or 3b is in the affirmative,

- a. state the period during which either or both of such software features were in use;
- b. identify all claims for reimbursement of Ambulance Transport services submitted by AMR to any Government Payor during the period that the paramedic assessment or bed-confined features were in use;
- c. describe all actions taken by AMR to verify, with respect to all claims identified in paragraph 4b, that there was a proper basis to charge the Government Payor for a paramedic assessment or to assert, as a basis for the claim that the patient being transported was bed-confined;
- d. identify all person(s) involved in implementing or changing either of such software features or auditing the claims submitted to any Government Payor while either of such features was in use.

ANSWER NO. 4

Defendant objects to this Interrogatory to the extent it seeks information that is protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory to the extent it exceeds the scope of discovery for Phased. Defendant objects to Interrogatories 4b and 4c as overly broad, unduly burdensome, and not proportional to the needs of the case. Defendant objects to Interrogatory 4d as overly broad, unduly burdensome, and not proportional to the needs of the case to the extent that it is not limited by individuals.

Subject to and without waiving the foregoing objections, Defendant responds that neither the answer to Interrogatory No. 3a nor 3b is in the affirmative, and therefore no response is required.

RELATOR’S FIRST SET OF REQUEST FOR PRODUCTION

REQUEST NO. 11

All documents pertaining to the “paramedic assessment” or “bed-confined” software features utilized by AMR in 2010 or 2011 in connection with the preparation of PCRs for Ambulance Transports in Connecticut, including, without limitation, any such documents pertaining to a change in the software with respect to such features and any review or audit of AMR’s claims to Government Payors for payment of claims containing charges with respect to either of such features.

RESPONSE NO. 11

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Request to the extent it exceeds the scope of discovery for Phase I. Defendant further objects on the ground that the Request is impermissibly vague, as it is unclear what is meant by “the ‘paramedic assessment’ or ‘bed-confined’ software features utilized by Defendant in 2010 or 2011,” and what “change” is referred to in this Request. See Answers to Interrogatory 3 and 4, *supra*. Defendant further objects to this request as overly broad and unduly burdensome to the extent it documents relating to “any review or audit of AMR’s claims to Government Payors for payment of claims containing charges with respect to [bed confinement or paramedic assessment.”

Subject to and without waiving the foregoing objections, Defendant will produce non-privileged documents relating to training on ePCRs that references these specific fields and any audits or investigations from Government Payors relating to the use of these specific fields, to the extent any such documents are reasonably accessible and exist in its possession, custody, or control.

REQUEST NO. 12

All documents pertaining to any claims identified in answer to Interrogatory 4b including all documents submitted to or received from a Government Payor in connection with any such claim, and all records of payment of any such claims.

RESPONSE NO. 12

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Request to the extent it exceeds the scope of discovery for Phase I.

Subject to and without waiving the foregoing objections, because neither the answer to Interrogatory No. 3a nor 3b is in the affirmative, there are no claims to identified in the answer to Interrogatory 4b and therefore no documents responsive to this Request.

REQUEST NO. 14

All documents pertaining to any review of Government Payor billings in 2010 or 2011 at AMR facilities, including, without limitation, any such documents comparing the rates of such billings at various AMR facilities or discussing or reviewing the rate of such billings at AMR’s Connecticut facilities.

RESPONSE NO. 14

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory to the extent it exceeds the scope of discovery for Phase I. Defendant objects to this Request as impermissibly vague, overly broad and ambiguous because of its use of and failure to specifically identify or define the terms “review” and “rates.” Defendant objects to this Request as overly broad and unduly burdensome.

Subject to and without waiving the foregoing objections, Defendant will produce non-privileged documents responsive to this Request for the New Haven facility, to the extent any such documents are reasonably accessible and exist in its possession, custody, or control.

REQUEST NO. 15

All documents pertaining to AMR’s efforts to increase the rate of Government Payor billings for Ambulance Transports in Connecticut in 2010 or 2011.

RESPONSE NO. 15

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Request as impermissibly vague, overly broad and ambiguous because of its use of and failure to specifically identify or define the term “rate of Government Payor billings.”

Subject to and without waiving the foregoing objections, Defendant will produce non-privileged documents responsive to this Request for the New Haven facility, to the extent any such documents exist are reasonably accessible and in its possession, custody, or control.

PLAINTIFFS’ FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1

Identify all persons who prepared or participated in the preparation or review of PCR’s for AMR ambulance transports in Connecticut in 2010 and 2011, specifying, for each such person, whether that person was requested or directed by AMR in 2010 and 2011 to amend, correct or rewrite any of the PCR’s he or she prepared.

RESPONSE NO. 1

Defendant objects to this Interrogatory to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory to the extent it exceeds the scope of discovery for Phase I. Defendant objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case, especially as it seeks information regarding “all persons who prepared or participated in the preparation or review of PCR’s for Defendant ambulance transports in Connecticut” over a two year period over the entire state of Connecticut.

Subject to and without waiving the foregoing objections, Defendant responds that in general, PCR’s are created by EMTs or paramedics after they complete a run. After a PCR is completed and submitted, the EMT or paramedic who submitted the PCR will be asked to supplement a PCR if clarification is required or if the information provided on the original PCR is insufficient to fully describe the run, including but not limited to the condition of the patient. When asked to supplement such PCR’s, the EMTs or paramedics generally received a copy of the PCR returned to them and/or notes identifying the issues in the PCR that required clarification or supplementation. EMTs and paramedics were never directed what to say in any PCR or addenda, and were instead directed to create PCR’s and any addenda thereto in their own words. Any changes made electronically to the PCR would be reflected in the addenda which would be appended to the original PCR. Both the original PCR and any addenda thereto were maintained electronically by Defendant.

INTERROGATORY NO. 2

Identify all PCR’s for AMR Ambulance Transports in Connecticut that were amended, corrected or rewritten in 2010 and 2011.

RESPONSE NO. 2

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory as it exceeds the scope of discovery for Phase I, which concerns only the Ambulance Transports alleged with specificity in the Fourth Amended Complaint. Defendant objects to this Interrogatory as overly broad, unduly burdensome, and not

proportional to the needs of the case. Defendant further objects to this Interrogatory as it asks for “amended, corrected or rewritten” PCRs, as it misstates the facts concerning the creation of and addenda to PCRs.

Subject to and without waiving the foregoing objections, Defendant responds that, pursuant to Fed. R. Civ. P. 33(d), it will produce PCRs for Ambulance Transports alleged with specificity in the Fourth Amended Complaint that have been supplemented by addenda to the extent that such transports can be identified.

INTERROGATORY NO. 3

Identify all PCRs that Mr. Fabula was requested or directed to amend, correct or rewrite, and specify

- a. the date on which such request or direction was communication [sic] to Mr. Fabula;
- b. the information Mr. Fabula was requested or directed to amend, correct or rewrite with respect to each such PCR;
- c. whether Mr. Fabula amended, corrected or rewrote each such PCR.

RESPONSE NO. 3

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory because it exceeds the scope of discovery for Phase I. Defendant objects to this Interrogatory to the extent that it is not limited by any time period. Defendant further objects to this Interrogatory as it asks for “PCRs that Mr. Fabula was requested or directed to amend, correct, or rewrite,” as it misstates the facts concerning the creation of and addenda to PCRs.

Subject to and without waiving the foregoing objections, Defendant responds that, pursuant to Fed. R. Civ. P. 33(d), it will produce all PCRs for Ambulance Transports alleged with specificity in the Fourth Amended Complaint that have been supplemented by addenda to the extent that such transports can be identified. Answering further, Defendant incorporates its answer to Interrogatory No. 1, above.

INTERROGATORY NO. 4

Identify all claims for reimbursement submitted by AMR to a Government Payor in regard to each Ambulance Transport that was the subject of a PCR identified in answer to Interrogatory No. 2 or 3, and specify whether each such claim was paid.

RESPONSE NO. 4

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory to the extent it exceeds the scope of discovery for Phase I.

Subject to and without waiving the foregoing objections, Defendant responds that it has not as of yet been able to identify the Ambulance Transports alleged with specificity in the Fourth Amended Complaint, and therefore have not been able to locate a claim for reimbursement for those runs.

INTERROGATORY NO. 5

For each PCR identified in response to Interrogatory No. 2 or 3:

- a. identify the person(s) who requested or directed that each such PCR be amended, corrected or rewritten (“changed”);
- b. the reason the change to the PCR was requested or directed;
- c. how the person who requested or directed that any such PCR be changed learned of the new or changed information to be added to the PCR; and
- d. the manner in which the request or direction for such change to each PCR was communicated as to each such PCR.

RESPONSE NO. 5

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory to the extent it exceeds the scope of discovery for Phase 1. Defendant objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case.

Subject to and without waiving the foregoing objections, Defendant incorporates its response to Interrogatory 1, supra. Answering further, Defendant responds that it does not retain the information requested in this Interrogatory as a general business practice since any changes made electronically to the PCR would be reflected in the addenda which would be appended to the original PCR.

INTERROGATORY NO. 6

Identify all persons

- a. who reviewed the PCRs for AMR ambulance transports in Connecticut in 2010 and 2011 to determine if the PCRs needed amendment, correction or rewriting;

- b. who determined whether AMR would submit a claim for reimbursement by a Government Payor for each Ambulance Transport that was the subject of a PCR identified in answer to Interrogatory No 2 or 3.

RESPONSE NO. 6

Defendant objects to this Interrogatory to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory to the extent it exceeds the scope of discovery for Phase I. Defendant objects to this Interrogatory to the extent it seeks information that is irrelevant immaterial, or not germane to any claim or defense in this action. Defendant objects to this Interrogatory as overly broad, unduly burdensome, and not proportional to the needs of the case.

Subject to and without waiving the foregoing objections, Defendant incorporates its response to Interrogatory 1, supra. Answering further, Defendant responds that it does not retain the information requested in this Interrogatory as a general business practice since any changes made electronically to the PCR would be reflected in the addenda which would be appended to the original PCR.

The determination of whether PCRs need an addenda is made by transportation authorization staff in the specific facility that the run was generated from.

Answering further, Defendant responds that, pursuant to Fed. R. Civ. P. 33(d), it will produce all PCRs for Ambulance Transports alleged with specificity in the Fourth Amended Complaint that have been supplemented with addenda, to the extent that such transports can be identified.

PLAINTIFFS’ FIRST SET OF REQUEST FOR PRODUCTION

REQUEST NO. 4

All documents pertaining to Mr. Fabula’s employment by AMR, including all documents pertaining to the termination of his employment or any other adverse employment action threatened or taken against Mr. Fabula, including any warning, suspension or imposition of administrative leave.

RESPONSE NO. 4

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection.

Subject to and without waiving the foregoing objections, Defendant will produce non-privileged documents responsive to this Request, to the extent any such documents exist in its possession, custody, or control.

REQUEST NO. 7

All PCR’s identified in response to Interrogatory No. 2.

RESPONSE NO. 7

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Request to the extent it exceeds the scope of discovery for Phase I, which concerns only the Ambulance Transports alleged with specificity in the Fourth Amended Complaint. Defendant objects to this Request as overly broad and unduly burdensome.

Subject to and without waiving the foregoing objections, and subject to the limitations set forth in response to Interrogatory No. 2, Defendant will produce the PCR’s and any related documents identified in response to Interrogatory No. 2, to the extent any such documents are reasonably accessible and exist in its possession, custody, or control.

REQUEST NO. 8

The original version of all PCR’s identified in response to Interrogatory No. 2 and the audit trail pertaining to any changes to the original or any subsequent versions of all such PCR’s.

RESPONSE NO. 8

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Request to the extent it exceeds the scope of discovery for Phase I. Defendant objects to this Request to the extent it seeks information that is irrelevant immaterial,

or not germane to any claim or defense in this action. Defendant objects to this Request as overly broad and unduly burdensome. Defendant objects to this Interrogatory as vague and ambiguous because of its use of and failure to specifically identify or define the term “audit trail.” Defendant further objects as the Request asks for “original [] PCRs” as it misstates the facts concerning the creation of and addenda to PCRs.

Subject to and without waiving the foregoing objections, and subject to the limitations set forth in response to Interrogatory No. 2, Defendant will produce the PCRs and any related documents identified in response to Interrogatory No. 2, to the extent any such documents are reasonably accessible and exist in its possession, custody, or control.

REQUEST NO. 9

All PCRs identified in response to Interrogatory No. 3.

RESPONSE NO. 9

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Request to the extent it exceeds the scope of discovery for Phase I. Defendant objects to this Request to the extent that it is not limited by any time period.

Subject to and without waiving the foregoing objections, and subject to the limitations set forth in response to Interrogatory No. 3, Defendant will produce the PCRs and any related documents identified in response to Interrogatory No. 3, to the extent any such documents are reasonably accessible and exist in its possession, custody, or control.

REQUEST NO. 10

The original version of all PCRs identified in response to Interrogatory No. 3 and the audit trail pertaining to any changes to the original version or any subsequent versions of all such PCRs.

RESPONSE NO. 10

Defendant objects to this Request to the extent it exceeds the scope of discovery for Phase I. Defendant objects to this Request to the extent it seeks information that is irrelevant immaterial, or not germane to any claim or defense in this action. Defendant objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case. Defendant objects to this Interrogatory as vague and ambiguous because of its use of and failure to specifically define the term “audit trail.” Defendant further objects as the Request asks for “original [] PCRs” as it misstates the facts concerning the creation of and addenda to PCRs.

Subject to and without waiving the foregoing objections, and subject to the limitations set forth in response to Interrogatory No. 3, Defendant will produce the PCRs and any related

documents identified in response to Interrogatory No. 3, to the extent any such documents are reasonably accessible exist in its possession, custody, or control.

REQUEST NO. 12

All claims identified in answer to Interrogatory 4.

RESPONSE NO. 12

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Request to the extent it exceeds the scope of discovery for Phase I. Defendant objects to this Request to the extent it seeks information that is irrelevant immaterial, or not germane to any claim or defense in this action.

REQUEST NO. 15

All documents pertaining to Mr. Fabula’s application for unemployment compensation benefits, including without limitation all documents prepared by AMR in connection therewith and all documents submitted to or received by AMR in connection with the unemployment compensation benefit proceedings.

RESPONSE NO. 15

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection.

Subject to and without waiving the foregoing objection, Defendant will produce non-privileged documents responsive to this Request, to the extent any such documents are reasonably accessible and exist in its possession, custody, or control.

REQUEST NO. 17

All documents setting forth information about the number of claims submitted to a Government Payor by AMR in 2010 or 2011 for Ambulance Transports performed in Connecticut, including a comparison of the percentage of the overall transports billed by AMR’s facilities, any discussion of increasing the percentage of AMR’s Connecticut claims to Government Payor, and the amount of such claims.

RESPONSE NO. 17

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Request because it exceeds the scope of discovery for Phase I.

Defendant objects to this Request as impermissibly vague, overly broad, unduly burdensome, and not proportional to the needs of the case.

REQUEST NO. 18

All documents setting forth information about the claims submitted to a Government Payor in 2010 or 2011 involving Ambulance Transports as to which Mr. Fabula prepared a PCR, including any document setting forth or reviewing the number or amount of such claims.

RESPONSE NO. 18

Defendant objects to this Request to the extent it seeks information and materials that are protected by the attorney-client privilege, work product doctrine, or any other protection. Defendant objects to this Interrogatory as impermissibly vague because of its use of and failure to specifically identify or define the term “the number or amount of such claims.”

Subject to and without waiving the foregoing objections, Defendant will produce non-privileged documents setting forth information about the claims submitted to a Government Payor in 2010 or 2011 involving Ambulance Transports alleged with specificity in the Fourth Amended Complaint, to the extent that such transports can be identified, and as to which Mr. Fabula prepared a PCR, to the extent any such documents exist in its possession, custody, or control.

RELATOR’S SECOND SET OF INTERROGATORIES

INTERROGATORY NO. 2

State whether in 2010 or 2011, defendant caused any changes to be made to the software utilized by defendant in connection with the preparation of PCRs to modify the manner in which notations in the PCRs concerning “paramedic assessment” or “bed-confined” were entered or recorded, and, if so, describe fully any such changes, including the reasons for any such changes; identify the persons who directed that any such changes be made; and identify all documents pertaining to any such changes.

RESPONSE NO. 2

Defendant objects to this Interrogatory as it exceeds the scope of discovery for Phase I. Defendant objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case. Defendant objects to this Request to the extent that it seeks information that is not relevant to any claim or defense in this action, and not reasonably calculated to the discovery of admissible evidence.

Subject to and without waiving these objections, Defendant answers that from 2010 to late 2011, the New Haven branch of AMR used the MEDS version 2 software system to generate PCRs. On October 4, 2011, it switched to MEDS version 3. There is no “bed confined” field on a PCR in the relevant versions of MEDS. There is a field for “unable to travel by wheelchair” for which EMTs and paramedics may select yes or no. Defendant further answers that there is a paramedic assessment field on a PCR. For both MEDS version 2 and MEDS version 3 this field is also a drop down menu and there is no default selection.

INTERROGATORY NO. 3

State for each month from February 2010 through February 2012,

- A the number of PCRs concerning Ambulance Transport services in each such month that contained a positive notation for “paramedic assessment;”
- b. the number of PCRs concerning Ambulance Transport services in each such month that contained a negative notation (or no notation) for “paramedic assessment;”
- c. the number of PCRs concerning Ambulance Transport services in each such month that contained a positive notation for the patient being “bed-confined;”
- d. the number of PCRs concerning Ambulance Transport services in each such month that contained a negative notation (or no notation) for the patient being “bed-confined.”

RESPONSE TO NO. 3

Defendant objects to this Interrogatory as it exceeds the scope of discovery for Phase I. Defendant objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case. Defendant objects to this Request to the extent that it seeks information that is not relevant to any claim or defense in this action, and not reasonably calculated to the discovery of admissible evidence.

RELATOR’S SECOND SET OF REQUESTS FOR PRODUCTION

REQUEST NO. 15

All PCRs, including revised PCRs or PCR addenda, prepared in 2010 and 2011 that contained a positive notation for paramedic assessment.

RESPONSE NO. 15

Defendant objects to this Request as it exceeds the scope of discovery for Phase I. Defendant objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case. Defendant objects to this Request to the extent that it seeks information that is not relevant to any claim or defense in this action, and not reasonably calculated to the discovery of admissible evidence.

REQUEST NO. 17

All PCRs, including revised PCRs or PCR addenda, prepared in 2010 and 2011 that contained a positive notation for bed-confined.

RESPONSE NO. 17

Defendant objects to this Request as it exceeds the scope of discovery for Phase I. Defendant objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case. Defendant objects to this Request to the extent that it seeks information that is not relevant to any claim or defense in this action, and not reasonably calculated to the discovery of admissible evidence.

REQUEST NO. 21

All documents identified in response to Interrogatory 2.

RESPONSE NO. 21

Defendant objects to this Request as it exceeds the scope of discovery for Phase I. Defendant objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case. Defendant objects to this Request to the extent that it seeks information that is not relevant to any claim or defense in this action, and not reasonably calculated to the discovery of admissible evidence.

REQUEST NO. 22

All documents concerning any modifications in 2010 or 2011 to the software utilized by defendant in the preparation of PCRs.

RESPONSE NO. 22

Defendant objects to this Request as it exceeds the scope of discovery for Phase I. Defendant objects to this Request as overly broad, unduly burdensome, and not proportional to the needs of the case. Defendant objects to this Request to the extent that it seeks information that is not relevant to any claim or defense in this action, and not reasonably calculated to the discovery of admissible evidence.